

Application No. 10/602,128  
Amendment. dated September 10, 2004  
Reply to Office Action of June 10, 2004

### **REMARKS**

This amendment is submitted in response to the Office Action dated June 10, 2004. Claims 1-13 remain pending in the application and stand rejected. Claims 1, 4, 5, and 7-13 have been amended herein. Applicants submit that all pending claims are in complete condition for allowance and respectfully request reconsideration in view of the following remarks.

#### **Objections to the Drawings**

The drawings were objected to for various informalities related to reference numeral correlation between the drawings and the Specification. The Specification has been amended to recite reference numerals 12a, 30a, 34a, 50a, 54a and 64a as suggested by the Examiner. Figure 10 has been revised to show reference numeral 74 as suggested by the Examiner. A revised formal drawing has been submitted herewith for review and approval by the Examiner. Applicants assert that these changes merely conform the drawings and the Specification, and therefore add no new matter. Upon the Examiner's approval, Applicants respectfully request that the objections to the drawings be withdrawn.

#### **Objections to the Specification**

The Specification has been objected to with respect to various informalities

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relating to reference numerals. The Specification has been amended at page 13, line 20 to recite reference numeral 10b, as suggested by the Examiner. Applicants have further reviewed the Specification and have noted a typographical error with respect to the radii of element I in table 2. The radii for  $R_1$  and  $R_2$  have been changed from "00" to " $\infty$ ". In view of the following amendments to the Specification, Applicants respectfully request that the objections to the Specification be withdrawn.

#### **Objections to the Claims**

Claims 4, 5, 7-9 and 11-13 were objected to for various informalities with respect to claim language. Claims 4, 5, 7-9 and 11 have been amended herein as suggested by the Examiner. Applicants note that the recitation of "said loop" in claim 11 is proper because the magnification loop is recited in claim 10. In view of the amendments to the claims, Applicants respectfully request that the objections to claims 4, 5, 7-9 and 11-13 be withdrawn.

#### **Claims Rejected under 35 U.S.C. §112**

Claims 1-11 stand rejected under 35 U.S.C. §112, first paragraph, with respect to the recitation of non-circular shaped objective lenses while the tables in the Specification present diameters for the lens elements. Applicants note that the

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specification of lens diameters in Tables 1 and 2 of the Specification represent maximum diameters for the respective lens elements. Applicants note that specifying lens element diameters in this manner is conventional practice in the art, and persons skilled in the art would recognize that the lens elements are to be ground to the desired non-circular shape in order to manufacture the loops. Nevertheless, Applicants have amended claims 4, 5, 12 and 13 to clarify that the diameters are maximum diameters for the lens elements. Corresponding amendments have been made to the Specification. Accordingly, Applicants respectfully request that these rejections of claims 1-11 be withdrawn.

Claims 4, 5, 12 and 13 were rejected under 35 U.S.C. §112, first paragraph, with respect to the recitation of a single eyepiece lens element while the tables include four lens elements. Claims 4 and 12 are directed to a magnification loop according to the embodiment depicted in FIGS. 1, 5 and 7 and described in the Application at paragraphs 28 and 29. As set forth therein, lens element I represents a zero power eyeglass lens, and the lens parameters set forth in claims 4 and 12 would be recognized as such by those skilled in the art. Nevertheless, claims 4 and 12 have been amended to more clearly indicate that element I is a lens of a user wearable device.

Claims 5 and 13 are directed to a magnification loop according to the embodiment depicted in FIGS. 2, 6 and 8. As set forth in the Specification at paragraph 33 and with reference to Table 2, lens element 1 in this embodiment is a correction lens

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that is mounted to the magnification loop adjacent to the eyepiece lens. While the indicated lens parameters for this lens element would be recognized by those skilled in the art as a correction lens, Applicants have nevertheless amended claims 5 and 13 to more clearly recite that lens element 1 is a correction lens.

For at least the reasons stated above, Applicants respectfully request that these rejections of claims 4, 5, 12 and 13 under 35 U.S.C. §112 be withdrawn.

**Claims Rejected under 35 U.S.C. §102**

Claims 1 and 8-10 stand rejected under 35 U.S.C. §102b as being anticipated by U.S. Patent No. 4,865,438 to Wada. Claims 1, 3, 6, 8 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,273,456 to Feinbloom. Claims 1 and 10 are the only independent claims of these rejected groups and are directed to a magnification loop and a magnification viewer, respectively, comprising an objective lens having a non-circular shape with at least two oppositely disposed first peripheral edges defined by a first radius, and at least two oppositely disposed second peripheral edges defined by a second radius. While Applicants assert that the interpretation of the claims as having infinite radii to read on the flat-edged lenses of Wada and Feinbloom is inconsistent with the Specification, Applicants have amended claims 1 and 10 to specifically recite that the first and second peripheral edges of the objective lenses are arcuate in shape. Accordingly, Applicants assert that the

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amendments to claims 1 and 10 overcome the rejections over Wada and Feinbloom and respectfully request that the rejections of claims 1 and 10 over Wada and Feinbloom be withdrawn.

Claims 3, 6, 8 and 9 depend from independent claim 1 and are in condition for allowance for at least the same reasons stated above for claim 1. Accordingly, Applicants respectfully request that the rejections of claims 3, 6, 8 and 9 over Wada and Feinbloom be withdrawn.

**Claims Rejected Under 35 U.S.C. §103**

Claims 7 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Feinbloom in view of U.S. Patent No. 6,061,189 to Caplan et al. Claim 7 depends from independent claim 1, and claim 11 depends from independent claim 10. Accordingly, claims 7 and 11 are in condition for allowance for at least the reasons stated above for claims 1 and 10. Specifically, claims 1 and 10 have been amended to more clearly recite that the first and second peripheral edges of the objective lenses are arcuate in shape. Neither Feinbloom nor Caplan et al. teaches or suggests an objective lens having this shape. Accordingly, Applicants respectfully request that the rejections of claim 7 and 11 over Feinbloom in view of Caplan et al. be withdrawn.

Claim 2 stands rejected over 35 U.S.C. §103(a) as being unpatentable over Feinbloom in view of either U.S. Patent No. 5,900,922 to Moore or U.S. Patent No. 5,748,390 to Koiwai et al. Applicants respectfully traverse this rejection of claim 2,

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particularly in view of the amendment to claim 1 above. Specifically, the Examiner admits that Feinbloom does not teach or suggest an objective lens having second peripheral edges that are semi-elliptical in shape. Neither Moore nor Koiwai et al. cure this deficiency. Specifically, Moore is directed to a pair of spectacles and Koiwai et al. is directed to an imaging lens system, such as those used for cameras and photo copier equipment. There is no teaching or suggestion in either Moore nor Koiwai et al. to make optical loops with elliptical edges as recited in claim 2. Moreover, Koiwai et al. does not teach or suggest elliptical-shaped edges. Rather, all edges of the non-circular lenses disclosed in Koiwai et al. are flat in shape. In particular, Applicants note that the lens components 32, 34 referred to in the Office Action as having an "oval" shape actually have flat upper and lower peripheral edges (see, e.g., Figs. 10 and 11). For at least these reasons, Applicants respectfully request that the rejection of claim 2 over Feinbloom in view of Moore or Koiwai et al. be withdrawn.

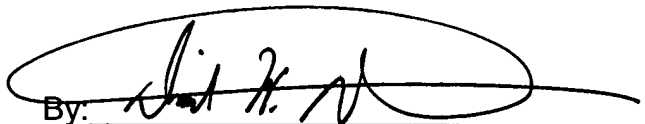
In view of the foregoing amendments and the remarks presented herein, Applicants believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

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Applicants are of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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Annotated Sheet Showing Changes

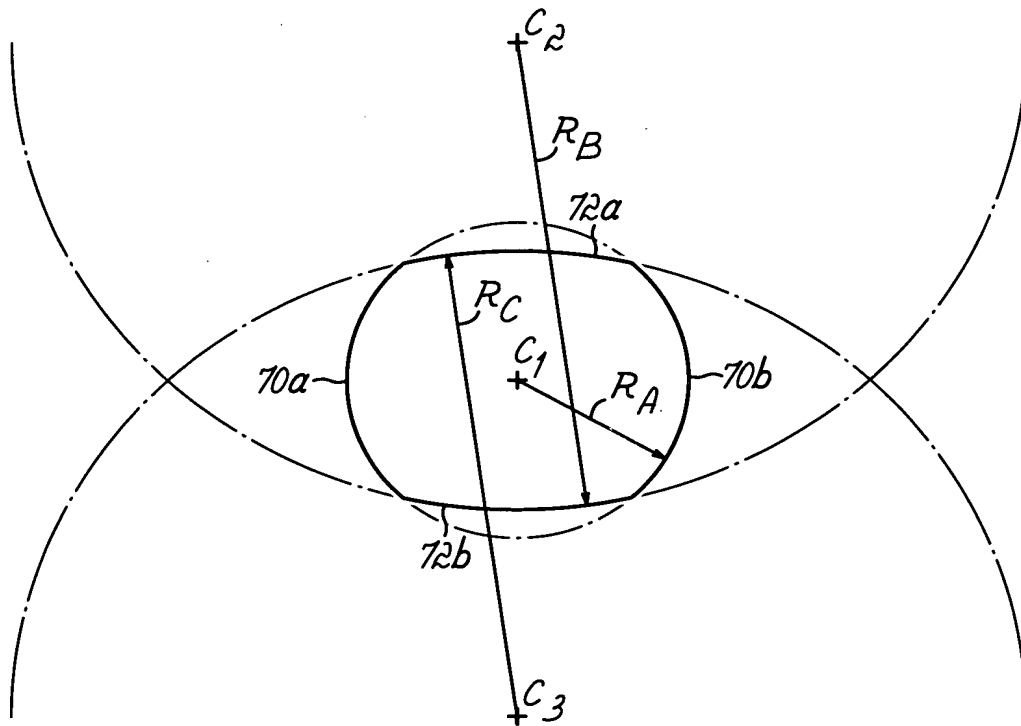


FIG. 9

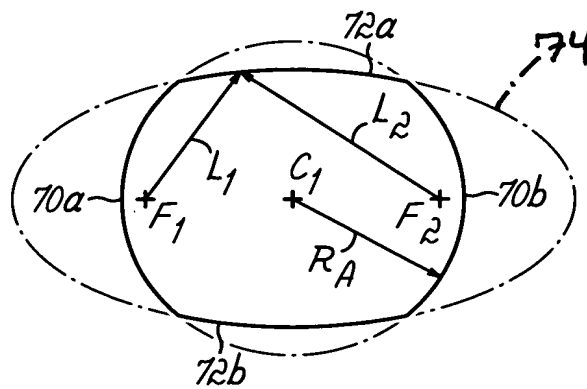


FIG. 10